

APPLICANT(S): GINZBURG, Boris et al.

SERIAL NO.: 10/810,801

FILED: March 29, 2004

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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims are respectfully requested.

Status of Claims

Claims 1-8, 11-23, 25-34 and 36-42 are pending in the application. Claims 1, 11, 16, 19, 23, 25, 28, 30-31, 34, 36 and 39 have been amended.

Claims 9-10, 24 and 35 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

Double Patenting Rejections

In the Office Action, the Examiner provisionally rejected claims 11, 23, 28 and 34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 24 and 17 of copending application 2005/0041616.

Applicants respectfully assert that claims 11, 23, 28 and 34 have been amended in a way that overcomes the double patenting rejection. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

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Claim Objections

In the Office Action, the Examiner objected to claim 31 because of alleged informalities. Claim 31 has been amended in order to cure these informalities. Accordingly, Applicants request withdrawal of the objection.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejections

In the Office Action, the Examiner rejected claims 1, 11 and 39 under 35 U.S.C. § 101 because the claimed invention allegedly lacks patentable utility.

Applicants respectfully assert that the amended of claim 1, 11 and 39 cure the alleged lack of patentable utility and that the claimed invention is practical application that produces a useful, tangible and concrete result.

Accordingly, Applicants respectfully request that the rejection of claims 1, 11 and 39 under 35 USC 101 be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 3, 5, 9-12, 14, 16, 18, 20, 21, 23, 24, 26, 28, 29, 31, 32, 34, 35, 37, 39 and 41 under 35 U.S.C. § 102(e), as being anticipated by Ginzburg et al. (US 2005/0041616). Applicant believes this rejection has been overcome by the amendments indicated above in view of the remarks that follow.

Applicants respectfully assert that US 2005/0041616 does not teach or suggest at least some of the features of independent claims 1, 11, 16, 23, 34 and 39, as amended.

Specifically, US 2005/0041616 does not teach at least the claimed feature of "...a nodes report of the plurality of the nodes reports includes one or more node communication related parameters ..." and detecting the hidden node based on the communication relate node parameter.

Accordingly, Applicants respectfully assert that claims 1, 11, 16, 23, 34 and 39 are not anticipated by US 2005/0041616, and respectfully requests that the Examiner withdraw the rejections of these claims. Furthermore, Applicants respectfully assert that amended

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independent claims 1, 11, 16, 23, 34 and 39 are patentable, and thus allowable, over all the prior art on record, taken separately or in any combination, including the references cited by the Examiner in rejecting some of the dependent claims under 35 U.S.C. 103(a), as discussed below.

Claims 9-10, 24 and 35 have been canceled without prejudice or disclaimer. Therefore, the rejection of these claims is now moot.

Claim 3 depends from patentable base claim 1; claims 12, 14 depend from patentable base claim 11; claims 18, 20 and 21 depend from patentable base claim 16; claim 26 depends from patentable base claim 23; claims 29, 31 and 32 depend from patentable base claim 28; claim 37 depends from patentable base claim 34; and claim 41 depends from patentable base claim 39. In this regard, in addition to any independent bases for patentability, Applicant respectfully submits that claims 3, 12, 14, 18, 20-21, 26, 29, 31-32, 37 and 41 are patentable over the cited reference(s) by virtue of at least such dependency on patentable base claims 1, 11, 16, 23, 34 and 39. Accordingly, Applicant respectfully requests that the rejection of claims 3, 12, 14, 18, 20-21, 26, 29, 31-32, 37 and 41 be withdrawn.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 3, 5, 9-12, 14, 16, 18, 20, 21, 23, 24, 26, 28, 29, 31, 32, 34, 35, 37, 39 and 41.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 2, 4, 6-8, 15, 17, 22, 27, 33, 38, 40 and 42 under 35 U.S.C. § 103(a), as being unpatentable over Ginzburg (US 2005/0041616) in view of Larsson (US 6,798,765). The Examiner also rejected claims 13, 19, 25, 30 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Ginzburg (US 2005/0041616) in view of Gillies et al. (US 2005/0180356).

Applicant respectfully assert that claims 2, 4 and 6-8 depend from patentable base claim 1; claims 13 and 15 depend from patentable base claim 11; claims 17, 19 and 22 depend from patentable base claim 16; claims 25 and 27 depend from patentable base claim 23; claims 30 and 33 depends from patentable base claim 28; claims 36 and 38 depend from patentable base claim 34; and claims 40 and 42 depend from patentable base claim 39.

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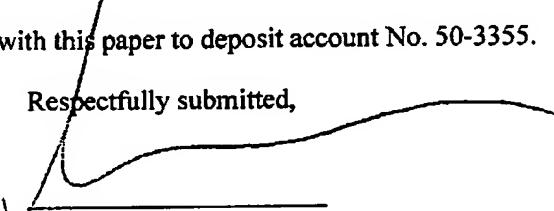
In this regard, in addition to any independent bases for patentability, Applicant respectfully submits that claims 2, 4, 6-8, 13, 15, 17, 19, 22, 25, 27, 30 33, 36, 38, 40 and 42 are patentable over the cited reference(s) by virtue of at least such dependency on patentable base claims 1, 11, 16, 23, 34 and 39. Accordingly, Applicant respectfully requests that the rejection of 2, 4, 6-8, 13, 15, 17, 19, 22, 25, 27, 30 33, 36, 38, 40 and 42 under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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